

Exhibit 36

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, et al.,
individually and on behalf of a class of
all others similarly situated,

Plaintiffs,

vs.

1:18-cv-00719-CCR

CITY OF BUFFALO, N.Y., et al.,

Defendants.

ORAL EXAMINATION OF AARON YOUNG

APPEARING REMOTELY FROM

BUFFALO, NEW YORK

Wednesday, October 26, 2022

9:00 a.m. - 2:15 p.m.

pursuant to notice

REPORTED BY:

Luanne K. Howe

APPEARING REMOTELY FROM CUYAHOGA COUNTY, OHIO

DEPAOLO CROSBY REPORTING SERVICES, INC.
716-853-5544

1 Q So you did not view enforcing zero tolerance crime
2 policy as part of your job as chief?

3 A No, I did not.

4 Q Did you have any involvement in setting Strike Force
5 patrol locations?

6 A No, I did not.

7 Q Do you know who did set the Strike Force patrol
8 locations?

9 A That's -- that direction came from the deputy of
10 operations to the captains and lieutenants of Strike
11 Force.

12 Q And would -- and that was --

13 A Lockwood, Lieutenant Lockwood.

14 Q And he communicated directly with the captain or
15 through you?

16 MR. SAHASRABUDHE: Form.

17 A It was through the captains.

18 Q And just to clarify, Lockwood spoke directly to the
19 captains?

20 A Yes.

21 Q And you were not involved in the conversation?

22 A Not usually, no.

23 Q And was that the case throughout the time that you

1 have discretion on writing summonses.

2 Q There was more discretion when officers were just on
3 patrol, right?

4 MR. SAHASRABUDHE: Form.

5 A I wouldn't -- I wouldn't say that.

6 Q Does the BPD have any written policies to guide the
7 officer's discretion in terms of whether to write a
8 ticket?

9 A No.

10 Q Does the BPD have any policies to guide the officer's
11 discretion in terms of how many tickets to write in a
12 single stop?

13 A No.

14 Q Do you think that Black drivers commit more traffic
15 violations than white drivers?

16 A No, I don't.

17 Q According to our data, which we alleged in the
18 Amended Complaint in this action, drivers from
19 predominantly Black Zip codes were eight times as
20 likely to be issued multiple tickets in a single stop
21 than drivers from predominantly white Zip codes. Do
22 you have any reason to believe that data is
23 incorrect?

1 MR. SAHASRABUDHE: Form.

2 A I -- if those are the numbers, I have no reason to.

3 Q Can you explain the racial disparity in the issuance
4 of multiple tickets at a single stop?

5 A I can't.

6 MR. SAHASRABUDHE: Form.

7 Q As chief, did you take any affirmative steps to learn
8 whether your officers were engaging in racial
9 profiling?

10 A No, I did not.

11 Q Did you take any affirmative steps to learn whether
12 your officers were engaging in racially biased
13 policing?

14 A I did not.

15 Q Did anybody within the BPD ever ask you to
16 investigate whether your officers were engaging in
17 racial profiling?

18 A No.

19 Q Or racially biased policing?

20 A No.

21 Q Are you familiar with TraCS?

22 A I'm sorry?

23 Q Are you familiar with TraCS?

1 Q So we talked briefly before about multiple ticketing,
2 the practice of issuing more than one ticket in a
3 single stop. And you're with me on understanding
4 what I mean by "multiple ticketing"?

5 A Yes.

6 Q Did you ever provide guidance to the Strike Force and
7 Housing Units on multiple ticketing?

8 A No, I did not.

9 Q And I think I know the answer to this at this point,
10 but would you have had any role in reviewing their
11 reports, like for example, assessing the numbers of
12 tickets that they issued?

13 A No.

14 Q Were you aware that the Strike Force and Housing Unit
15 officers had a common practice of issuing multiple
16 tinted windows tickets in a single stop, for example,
17 one ticket for each window?

18 A No, I was not.

19 MR. SAHASRABUDHE: Form.

20 Q Did you personally ever provide any guidance to
21 Strike Force and Housing Unit officers around tinted
22 windows ticketing?

23 A I don't recall ever having that conversation.

1 Q Did Commissioner Derenda or Lockwood ever instruct
2 you to convey to Strike Force and Housing Unit
3 officers that they should not issue more than one
4 tinted window ticket per stop?

5 A I don't recall ever.

6 Q Do you recall ever conveying to Strike Force or
7 Housing Unit officers or to the captain that officers
8 should not issue more than one ticket per stop?

9 A I can't -- I can't recall if I did.

10 Q Okay. All right. I'm going to go back to Exhibit 6,
11 which is a March 9th email from Captain Serafini.
12 And I'm down here in this part of the email. Do you
13 see that little highlight, kind of box where I'm
14 pointing? (Indicating.)

15 A Yes, I do.

16 Q Okay.

17 A Can I get one break? I have to answer a call from
18 the commissioner, if that's --

19 Q Yes, that's fine.

20 A Okay. Thanks.

21 Q How long do you need?

22 A Five minutes.

23 MS. WILNER: Okay. We can go off the

1 record for five minutes.

2 (A recess was taken.)

3 MS. WILNER: We can go back on the
4 record.

5 BY MS. WILNER:

6 Q And we're back on Exhibit 6, and we're looking at
7 this part of the email where Captain Serafini says,
8 "Advise your officers to avoid overkill on the
9 issuing of multiple traffic summonses for the same
10 offense to one motorist. Meaning they should not be
11 issuing 6 separate traffic summonses for window
12 tints. Two tint summonses per motorist is enough."

13 To your knowledge, did Strike Force and Housing
14 Unit officers sometimes issue six separate traffic
15 summonses for window tints?

16 A I wasn't aware.

17 Q Did you specifically tell Captain Serafini to convey
18 to officers that two tinted windows tickets per
19 incident is enough?

20 A I don't recall telling him this.

21 Q Did you ever discuss the issue of multiple tinted
22 windows tickets with Commissioner Derenda?

23 A No.

1 have no further questions.

2 EXAMINATION BY MR. SAHASRABUDHE:

3 Q Okay. I have just a few follow-up questions for you,
4 Chief Young. I promise we'll get you out of here
5 very shortly.

6 MR. SAHASRABUDHE: Claudia, do you mind
7 putting up Young 5?

8 MS. WILNER: That was the chief's
9 report?

10 MR. SAHASRABUDHE: Yes, yes.

11 MS. WILNER: And is there a particular
12 page you would like?

13 MR. SAHASRABUDHE: For now, I think we
14 can just keep it on the first page.

15 Q Chief Young, I'm showing you what was marked by Ms.
16 Wilner as Young 5 for identification purposes earlier
17 in your testimony. And do you recall testifying
18 about these particular reports?

19 A Today, yes.

20 Q And could you just tell me generally how you obtained
21 the information that you were then reporting to
22 either Deputy Commissioner Lockwood or Commissioner
23 Derenda?

1 A Sure. This information came from the captain, who
2 sent me this information via his reports, his daily
3 reports. And this is how I was able to put the
4 locations of the checkpoints in my weekly chief's
5 report.

6 Q Got it. So anything reported to either Commissioner
7 Derenda or Deputy Commissioner Lockwood does not come
8 from your firsthand knowledge. Would that be correct
9 to say?

10 A Correct.

11 Q It could come from reports from people who were
12 stationed under you such as captains or lieutenants?

13 A Who are on the ground doing the actual work in Strike
14 Force, yes.

15 Q Okay. You were asked some questions about the
16 purpose of placing checkpoints at certain locations.
17 Do you recall that?

18 A Yes.

19 Q Were you ever personally involved in a checkpoint --

20 A No.

21 Q -- Strike Force?

22 A No, I was not.

23 Q All right. And do you have any firsthand knowledge

1 STATE OF OHIO)

2 COUNTY OF CUYAHOGA)

3 I, Luanne K. Howe, Notary Public, in and for the
4 County of Cuyahoga, State of Ohio, do hereby certify:

5 That the witness whose testimony appears
6 hereinbefore was, before the commencement of his testimony,
7 duly sworn to testify the truth, the whole truth and nothing
8 but the truth; that said testimony was taken remotely
9 pursuant to notice at the time and place as herein set
10 forth; that said testimony was taken down by me and
11 thereafter transcribed into typewriting, and I hereby
12 certify the foregoing transcript is a full, true and correct
13 transcription of my shorthand notes so taken.

14 I further certify that I am neither counsel for
15 nor related to any party to said action, nor in any way
16 interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my
18 name and affixed my seal this 2nd day of November, 2022.

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23

Luanne K. Howe
Notary Public - State of Ohio

My commission expires 10-07-24

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